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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,461	04/13/2004	Ted Andrew Peters	MSFT-3489/307340.01	4601

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WOODCOCK WASHBURN LLP  
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2929 ARCH STREET  
PHILADELPHIA, PA 19104-2891

EXAMINER
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LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/823,461		PETERS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cheryl Lewis		2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response the applicants' amendment received on January 5, 2007.
2. Claims 1-40 are presented for examination.
3. The applicants have amended claims 1, 19, and 33 in the amendment received on January 5, 2007.
4. Applicants' arguments with respect to claims 1-40 have been fully considered but are deemed to be moot in view of the new grounds of rejection.

### Remarks

5. The examiner kindly thanks the applicants for the amendment to independent claims 1, 19, and 33. The examiner has carefully reviewed the amended claims and has concluded that independent claims 1, 19, and 33 remain non-statutory claims under 35 USC §101 for the reasons presented below.

### Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:  

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
7. Claims 1, 19, and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As follows:

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Claims 1, 19, and 33 comprise a plurality of binding statements. These binding statements consist of program code used to develop a user interface. Further, these binding statements consist of software. The software code consisting of a plurality of binding statements should be comprised within a computing device, wherein the computing device implements the binding statements, in an effort to make the software code executable.

Independent claim 1 only states that the binding engine is executed by a computer. However, independent claims 1 and 19 should state that the binding statements as a whole are comprised within a computing device (i.e., "computer") and the computing device "executes" the claimed binding statements.

Lastly, independent claim 33 states that a computer-readable storage device comprises executable instructions, however during the program execution, the execution of the program needs to be executed by a computing device.

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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9. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bent et al. (Publication No.: US 2004/0230911, filed October 23, 2003, hereinafter Bent).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

10. Regarding Claim 1, Bent teaches a system and method for controlling user interface properties with data.

The method and associated for controlling user interface properties with data as taught or suggested by Bent includes:

a data binding engine (§¶0016, 'binding engine, element 224') executing on a computer (§¶0015, 'computing device, element 100') that receives a plurality of binding statements specified by declarative statements (§¶0019, i.e., elements 260-272, §¶0055-0057, 'Creation means 400-410 creates the binding through markup.') provided during code development of user interface software (§¶0016 and 1025, 'The application 202 also includes code (hereinafter referred to as user interface 206)'), the plurality of binding statements comprising at least a first binding statement and a second binding statement (§¶0021 and 0022, 'the bindtype includes one Way, twoWay, and oneTime'), the binding engine evaluating the plurality of binding statements to determine content

§¶0015, 'computing device, element 100') that receives a plurality of

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displayed in a user interface during execution of the user interface software (§§0022 and 0023).

11. Regarding Claim 2, Bent teaches binding statements is associated with an execution priority (§§0060, 0064, and 0065).

12. Regarding Claim 3, Bent teaches execution priority is indicated by a sequence of the plurality of binding statements (§§0060, 0064, and 0065).

13. Regarding Claim 4, Bent teaches first binding statement is associated with a first priority and the second binding statement is associated with a second priority (§§0060, 0064, and 0065).

14. Regarding Claims 5 and 7, the limitations of this claim has been noted in the rejection of claims 3 and 4 presented above. They are therefore rejected as set forth above.

15. Regarding Claim 6, the limitations of this claim has been noted in the rejection of claims 3 and 4 presented above. They are therefore rejected as set forth above.

16. Regarding Claim 8, Bent teaches the first binding statement comprises a data source (§§0066, '...binding should use as the source data item.', §§0072, '...binding properties to data sources, data source classes...').

17. Regarding Claim 9, Bent teaches an object accessed via a URI (§§0592).

18. Regarding Claim 10, Bent teaches an XML source (§§0098).

19. Regarding Claim 11, Bent teaches the data source comprises an object model (§§0087).

20. Regarding Claim 12, Bent teaches a database query language (§§0093).

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21. Regarding Claim 13, Bent teaches a binding path (§0134).
22. Regarding Claim 14, Bent teaches a binding path is expressed as an XML Xpath (§0065 and 0134).
23. Regarding Claim 15, Bent teaches the binding path comprises an object path (§0134).
24. Regarding Claim 16, Bent teaches the first binding statement comprises an expression (§0065, “/Customer/Order[@OrderID=10]/Amount”).
25. Regarding Claims 17, Bent teaches the first binding statement evaluates successfully comprised determining that the expression evaluates to true (§0309).
26. Regarding Claim 18, Bent teaches the second binding statement comprises a default value and the default value is used to update a target when only the second binding statement evaluates successfully (§0054).
27. Regarding Claim 19, the limitations of this claim has been noted in the rejection of claim 1 presented above. In addition, Bent receiving a priority order indicating an order of execution of the plurality of binding statements (§0060), the first binding statement associated with a highest priority and the second binding statement associated with a next highest priority (§0060 and 0063); and executing the first binding statement (§0060 and 0063).
28. Regarding Claims 20 and 28, the limitations of this claim have been noted in the rejection of claim 17 presented above. They are therefore rejected as set forth above.
29. Regarding Claim 21, the limitations of this claim have been noted in the rejection of claims 2, 4, and 5 presented above. It is therefore rejected as set forth above.

30. Regarding Claim 22, the limitations of this claim have been noted in the rejection of claim 18 presented above. It is therefore rejected as set forth above.

31. Regarding Claim 23 and 24, the limitations of this claim have been noted in the rejection of claim 7 presented above. They are therefore rejected as set forth above.

32. Regarding Claims 25 and 30, the limitations of this claim have been noted in the rejection of claim 1 presented above. They are therefore rejected as set forth above.

33. Regarding Claim 26, the limitations of this claim have been noted in the rejection of claim 10 presented above. It is therefore rejected as set forth above.

34. Regarding Claim 27, the limitations of this claim have been noted in the rejection of claim 16 presented above. It is therefore rejected as set forth above.

35. Regarding Claim 29, the limitations of this claim have been noted in the rejection of claim 18 presented above. It is therefore rejected as set forth above.

36. Regarding Claim 31, Bent teaches data binding paths associated with the plurality of binding statements for a change notification (§0343).

37. Regarding Claim 32, Bent teaches re-evaluating the plurality of binding statements in response to the change notification (§0343).

38. Regarding Claim 33, Bent teaches a target to at least a first data element and a second data element of a plurality of data elements of a source using a collection of binding statements (§0017, 0022, 0032) in a declarative markup language (§0055, 'Creation means 400-410 creates the binding through markup.', §0062, '...expressed using a markup language...'), wherein the collection of binding statements are provided during program development of a user interface (§0016, 0055, 0056, and 0058) where



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the collection of binding statements is evaluated to determine content displayed in the user interface during program execution (§0016, 0055, 0056, 0058, and 1025).

39. Regarding Claims 34-40, the limitations of these claims have been noted in the rejections of claims 1-33 presented above. They are therefore rejected as set forth above.

### **Conclusion**

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Marcos et al. (Patent No. 6,262,729) teaches a method and apparatus for binding user interface objects to application objects; and
- b. Goodman (Patent No. 6,330,006) teaches a method and apparatus for synchronizing an application's interface and data.

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**NAME OF CONTACT**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Cheryl Lewis". The signature is fluid and cursive, with the first name "Cheryl" and last name "Lewis" clearly distinguishable.

Cheryl Lewis  
Patent Examiner  
March 15, 2007